

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06CV485

WADE ANTHONY GATEWOOD,)
)
Plaintiff,)
)
vs.)
)
EAGLE GLOBAL LOGISTICS (EGL),)
)
Defendant.)
_____)

ORDER

This matter is before the court upon Defendant's Motion to Dismiss Plaintiff's Complaint pursuant to Rules 12(b)(5) and 4(m) of the Federal Rules of Civil Procedure. Plaintiff filed his Complaint on December 1, 2006 and failed to properly serve the Defendant within 120 days, as required by Rule 4(m). The *pro se* Plaintiff attempted to serve Defendant by mailing the Summons and Complaint to the attention of a Regional Human Resources Manager in Defendant's Houston office. Plaintiff responded to Defendant's motion, but failed to show good cause for his failure to secure proper service upon the Defendant within 120 days after he filed his Complaint. Accordingly,

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss is hereby GRANTED and Plaintiff's Complaint is hereby dismissed without prejudice.

Signed: June 26, 2007



Graham C. Mullen
United States District Judge

